

Appl. No. 09/898,132
Amdt. dated April 6, 2004
Reply to Office Action of February 2, 2004

REMARKS/ARGUMENTS

I. Status of the Claims

Claims 121-140 are currently pending. None of these claims are currently amended. No new claims have been added.

II. Response to the Rejection

Under Obviousness-Type Double Patenting

a) Over Abbott

Claims 121-140 are rejected under the judicially created doctrine of obviousness type double patenting over claims 1-21 of U.S. Pat. No. 6,284,197 (Abbott *et al.*) ("Abbott"). The Examiner states that a timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome this rejection. Therefore, Applicants herewith submit a 1.321(c) terminal disclaimer. Since this terminal disclaimer obviates the double patenting rejection, Applicants respectfully request withdrawal of the rejection.

CONCLUSION

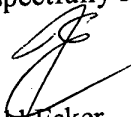
In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

PATENT

Appl. No. 09/898,132
Amdt. dated April 6, 2004
Reply to Office Action of February 2, 2004

Respectfully submitted,



Todd Esker
Reg. No. 46,690

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
Attachment
TE:te
60173087 v1